

Appellant, a 43-year old letter carrier, injured her right arm on September 16, 1999 in the performance of duty. She filed a claim for benefits, which the Office accepted for right lateral epicondylitis, right lateral epicondylectomy and fasciectomy, right carpal tunnel release and repair of the common extensor. Appellant was paid compensation for temporary total disability and returned to full duty on January 2, 2001.

In November 2000, appellant underwent physical therapy with Belvedere Physical Therapy. The Office initially denied reimbursement for this course of treatment due to the number of units charged and, subsequently, due to time limitations. The bills from Belvedere were eventually paid in 2006; however, they had already been turned over to a collection agency. Appellant paid a total of \$813.00 to the collection agency. The collection agency refunded \$381.35 to appellant, but denied appellant's request to refund the balance of \$292.70 for the collection agency fees, in addition to fee schedule reductions in the amount of \$138.95.

By letters to the Office dated January 3 and July 17, 2007, appellant requested reimbursement for the \$292.70 in collection fees and \$138.95 in fee schedule reductions.

By decision dated April 14, 2008, the Office determined that appellant should be reimbursed for the \$138.95 in fee schedule reductions pursuant to sections 10.337 and 10.812 of the Federal Code of Regulations. The Office, however, denied reimbursement for the \$292.70 in collection agency fees, noting there is no provision in the Federal Employees' Compensation Act or the federal regulations allowing reimbursement of these costs.

On May 19, 2008 appellant requested an oral hearing, which was held on October 14, 2008. Appellant stated at the hearing that she should not be penalized for something that was not her fault. She asserted that she should be reimbursed for the collection agency fees.

By decision dated December 12, 2008, an Office hearing representative affirmed the April 14, 2008 Office decision.

### **LEGAL PRECEDENT**

Section 8102 of the Act<sup>1</sup> provides that the United States shall pay compensation as specified by this subchapter for the disability or death of an employee resulting from personal injury sustained while in the performance of her duty.<sup>2</sup>

Section 8103 of the Act<sup>3</sup> provides that the United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances and supplies prescribed or recommended by a qualified physician, which the Office considers likely to cure, give relief, reduce the degree or the period of disability, or aid in lessening the amount of the monthly compensation.<sup>4</sup> In interpreting this section of the Act, the Board has recognized that the Office has broad discretion in approving services provided under the Act. The Office has the general objective of ensuring that an employee recovers from her injury to the fullest extent possible in the shortest amount of time. The Office therefore has broad administrative discretion in choosing the means to achieve this goal. The only limitation on the Office's authority is that of reasonableness. Abuse of discretion is generally shown through proof of manifest error, clearly

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> *Id.* at § 8102.

<sup>3</sup> *Id.* at § 8101 *et seq.*

<sup>4</sup> *Id.* at § 8103.

unreasonable exercise of judgment, or actions taken which are contrary to both logic and probable deductions from established facts. It is not enough to merely show that the evidence could be construed so as to produce a contrary factual conclusion.<sup>5</sup>

The terms of the Act are specific as to the method and amount of payment of compensation; neither the Office nor the Board has the authority to enlarge the terms of the Act nor to make an award of benefits under any terms other than those specified in the statute.<sup>6</sup>

### **ANALYSIS**

The Office accepted that appellant sustained the conditions of right lateral epicondylitis, right lateral epicondylectomy and fasciectomy, right carpal tunnel release and repair of the common extensor. She underwent physical therapy for these conditions for which the Office initially denied reimbursement. Appellant ultimately paid the bill for these treatments but not until after they were referred to a collection agency. While the collection agency refunded \$381.35 of this amount to appellant and the Office reimbursed appellant for an additional \$138.95 in fee schedule reductions pursuant to sections 10.337 and 10.812 of the Federal Code of Regulations, it denied reimbursement for the \$292.70 in collection agency fees. The Office noted that neither the Act nor the federal regulations contain a provision permitting reimbursement of collection fees.

The Board finds that the Office properly denied reimbursement for the \$292.70 in collection agency fees. As noted above, the terms of the Act are specific as to the method and amount of payment of compensation, and neither the Office nor the Board has the authority to enlarge the terms of the Act nor to make an award of benefits under any terms other than those specified in the statute.<sup>7</sup> The Board therefore affirms the April 14 and December 12, 2008 Office decisions denying appellant's request for reimbursement of \$292.70 in collection fees.

### **CONCLUSION**

The Board finds that the Office properly denied appellant reimbursement for collection agency fees in the amount of \$292.70.

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<sup>5</sup> *Dale E. Jones*, 48 ECAB 648 (1997); *Daniel J. Perea*, 42 ECAB 214 (1990).

<sup>6</sup> *See Marco A. Padilla*, 51 ECAB 502 (1999); *see Helen A. Pryor*, 32 ECAB 1313 (1981).

<sup>7</sup> *See id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the December 12 and April 14, 2008 decisions of the Office of Workers' Compensation Programs be affirmed.

Issued: October 7, 2009  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board